

**PUBLISHED IN THE WICHITA EAGLE ON MARCH 25, 2011 028001**

Ordinance No. 48-971

**AN ORDINANCE OF THE CITY OF WICHITA ESTABLISHING  
THE GREENWICH & K-96 COMMUNITY IMPROVEMENT DISTRICT**

WHEREAS, the provisions of K.S.A. 12-6a26, as amended, (the “CID Act”) set forth the procedure for the establishment of a Community Improvement District (“CID”); and

WHEREAS, the CID Act provides that prior to creating any CID, the Governing Body shall, by resolution, direct and order a public hearing on the advisability of creation of such CID and the construction and expenditure of costs of community improvement district projects relating thereto, and give notice of the hearing by publication once each week for two consecutive weeks in the official City newspaper, the second publication to be at least seven days prior to the hearing, and by the mailing of notice to the owners of property within the proposed CID; and

WHEREAS, the Governing Body of the City adopted Resolution No. R-11-027 (the “Resolution”) on February 15, 2011, directing that a public hearing on the proposed Greenwich & K-96 CID be held March 8, 2011, and requiring that the City Clerk provide for notice of such public hearing as set forth in the Act; and

WHEREAS; the Resolution was published once each week for two consecutive weeks in the newspaper and notice of the hearing was given to all property owners within the proposed CID as required by the CID Act; and

WHEREAS, the CID Act further authorizes the City, in order to pay the costs of such projects, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing of taxable services within a CID in any increment of .10% or .25% not to exceed 2.0% and to reimburse the costs of community improvement district projects from community improvement district sales tax; and

WHEREAS, on March 8, 2011, the Governing Body of the City conducted a public hearing on the proposed “Greenwich & K-96 CID”, the proposed community improvement district projects related thereto, the method of financing the same and the imposition of a community improvement district sales tax; and

WHEREAS, the Governing Body of the City hereby finds and determines it to be advisable to create the Greenwich & K-96 CID and set forth the boundaries thereof, authorize CID Projects relating thereto, approve the maximum costs of such community improvement district projects, approve the method of financing the same and impose the community improvement district sales tax, all in accordance with the provisions of the CID Act;

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
CITY OF WICHITA, KANSAS:**

**Section 1. Creation of The Greenwich & K-96 CID District.** The Governing Body hereby finds and determines it is advisable to create the Greenwich & K-96 CID within the City and approve the boundaries thereof, and, as such, hereby creates the Greenwich & K-96 CID and approves the boundaries thereof. A legal description of the property within the Greenwich & K-96 CID is set forth in **Exhibit B** attached hereto and incorporated by reference. A map generally outlining the boundaries of the Greenwich & K-96 CID is attached hereto as **Exhibit C** and incorporated herein by reference.

**Section 2. Authorization of CID Projects.** The Governing Body hereby finds and determines that it is advisable to authorize the community improvement district projects described on the attached **Exhibit A**, incorporated herein by reference, (the “CID Projects”) within the Greenwich & K-96 CID and as such authorizes the CID Projects.

**Section 3. Maximum Cost.** The maximum cost of the CID Projects, exclusive of administrative fees and costs to be paid to the State of Kansas and to the City, is \$17,198,360.

**Section 4. Method of Financing** The CID Projects will be financed on a pay-as-you-go basis from revenues received from the imposition of a community improvement district sales tax in the amount of one and two tenths percent (1.2%) (the “CID Sales Tax”) on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailers’ sales tax act within the Greenwich & K-96 CID. There will be no special assessments levied pursuant to the CID Act within the boundaries of the Greenwich & K-96 CID. There will be no bonds issued pursuant to the CID Act.

**Section 5. Imposition of the Community Improvement District Sales Tax.** In order to provide for the payment of costs of the CID Projects on a pay-as-you-go basis, the Governing Body hereby imposes the CID Sales Tax within the Greenwich & K-96 CID in an amount of one and two tenths percent (1.2%) on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the Kansas retailers’ sales tax act within the Greenwich & K-96 CID, with such CID Sales Tax to commence following submittal by the City of a certified copy of the ordinance to the Kansas Department of Revenue. Submittal to the Kansas Department of Revenue shall occur following publication of the ordinance and written notice from the developer requesting submittal. Such CID Sales Tax shall remain in effect for the maximum period provided for in the CID Act, or such period as may be required for payment from CID Sales Tax revenues of the maximum amount of costs approved for CID Projects in Section 3, above, whichever is the lesser period.

**Section 6. Collection of the Sales Tax.** The collection of the CID Sales Tax shall be made in the manner presented in the CID Act

**Section 7. Segregation of the Sales Tax Revenues.** All revenues derived from the collection of the CID Sales Tax shall be deposited into a special fund of the City to be designated as the Greenwich & K-96 CID Sales Tax Revenue Fund. Such revenues shall be used to pay the costs of the CID Projects on a pay-as-you-go basis and related expenses, including administrative fees and reimbursement to be paid to the State of Kansas and to the City.

**Section 8. Effective Date.** This Ordinance shall take effect from and after its passage by the Governing Body, and its publication once in the official newspaper of the City.

ADOPTED at Wichita, Kansas, this 22nd day of March, 2011.

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

\_\_\_\_\_  
Carl Brewer, Mayor

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

## **EXHIBIT A**

### **PROJECT**

The general nature of the proposed projects (the “**Projects**”) is to partially finance the construction, maintenance, and procurement of certain improvements, costs, and services within the District, for the construction of a Cabela’s retail center and contribution to a possible highway interchange improvement at K-96 and Greenwich, including, but not limited to: land acquisition, infrastructure related items, streets, sidewalks, parking lots and facilities, buildings, facilities, tenant improvements, water management and drainage related items, landscaping, lighting, art, water features and other cultural amenities, ongoing maintenance of the District, marketing, advertisement and economic development, cleaning and maintenance, and the City’s administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act.

## **EXHIBIT B**

### **LEGAL DESCRIPTION**

A tract of land lying north of and adjacent to the north line of Regency Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, to the north side of south lane of Kansas Highway 96, EXCEPT the right-of-way of Greenwich Road, lying within the east 1425 feet of the Southeast Quarter, Section 4, Township 27 South, Range 2 East, of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas.

CONTAINING: 15.69 acres of land, more or less.

AND

A tract of land lying within a portion of Lot 10, Block 1, Regency Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follow:

BEGINNING at the northwest corner of said Lot 10, thence along the north line of said Lot 10 on a platted bearing of S83°46'10"E, 168.62 feet; thence parallel with and 33.69 feet west of the east line of said Lot 10, S01°00'03"E, 254.27 feet to the south line of said Lot 10; thence along said south line, S88°59'57"W, 167.28 feet to the southwest corner of said Lot 10; thence along the west line of said Lot 10, N01°00'03"W, 275.50 feet to the POINT OF BEGINNING, TOGETHER WITH,

A tract of land lying within a portion of Lot 11, Block 1, Regency Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follow:

BEGINNING at the northwest corner of said Lot 11, thence along the north line of said Lot 11 on a platted bearing of N88°59'57"E, 416.79 feet to the northeast corner of said Lot 11; thence along an easterly line of said Lot 11, S01°00'03"E, 275.50 feet; thence along a northerly line of said Lot 11, N88°59'57"E, 26.93 feet; thence along an easterly line of said Lot 11, S00°43'50"E, 40.00 feet; thence along a northerly line of said Lot 11, N88°59'57"E, 429.53 feet to a northeasterly corner of said Lot 11; thence along an easterly line of said Lot 11 for the next two (2) courses, S12°35'14"E, 26.58 feet; thence S00°43'50"E, 343.31 feet; thence S88°59'57"W, 231.24 feet; thence N01°00'03"W, 189.00 feet; thence S88°59'57"W, 647.88 feet to the west line of said Lot 11; thence along said west line, N00°43'50"W, 495.85 feet to the POINT OF BEGINNING,

TOGETHER WITH,

That part of Reserve "A", Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, lying north of the extended south line of said Lot 11, Block 1, said addition, CONTAINING: 19.33 acres of land, more or less.



# EXHIBIT "C"

## Proposed Greenwich & K-96 Community Improvement District

City of Wichita, Kansas

Proposed  
Greenwich & K-96  
Community  
Improvement District



Property Parcels within  
District



Property Parcels outside  
District



Software: ArcGIS 9.3.1  
Hardware: Dell Xeon  
Printer: HP 5000 Plotter

Map Data Source:  
Property Parcels  
provided by  
Sedgewick County GIS

Road Centerlines  
provided by  
City of Wichita

Created: February 12, 2011: 3:36:53 PM  
K:\greenwich\Project\MapOutput\CDistrict

It is understood that while the City of Wichita Data Center  
employs a professional information system, the City does not  
warrant or guarantee that there are no inaccuracies or omissions  
in the data provided. For more information, contact the City of Wichita.

